

**DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH**

**1206. Adulteration of senna and senna siftings. U. S. v. 14 Bales and 26 Bales of Senna and 25 Bales of Senna Siftings. Default decree of condemnation and destruction. (F. D. C. No. 11470. Sample Nos. 46665-F to 46667-F, incl., 46671-F to 46673-F, incl.)**

Senna is a vegetable drug the name of which is recognized in the United States Pharmacopoeia, and senna siftings is a term applied to small pieces of senna leaves which have been broken in the process of gathering, packing, etc.

On December 21, 1943, the United States attorney for the Eastern District of Michigan filed a libel against 40 bales of senna and 25 bales of senna siftings at Detroit, Mich., alleging that the articles had been shipped on or about June 4, 1943, by the Sterling Products Division (Sterling Drug, Inc.), Wheeling, W. Va.; and charging that they were adulterated.

The articles were alleged to be adulterated (1) in that they consisted in whole or in part of filthy substances by reason of the presence of webbing, adult insects, insect larvae, insect fragments and capsules, and insect excreta; (2) in that they had been held under insanitary conditions whereby they may have become contaminated with filth; and (3) in that they purported to be and were represented as senna, a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but their quality and purity fell below the standard set forth in that compendium.

On March 11, 1944, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS\***

**1207. Adulteration and misbranding of dicalcium phosphate with vitamins B-C-D. U. S. v. Walker Vitamin Products, Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 7321. Sample No. 70638-E.)**

On March 30, 1944, the United States attorney for the Southern District of New York filed an information against the Walker Vitamin Products, Inc., Mt. Vernon, N. Y., alleging shipment of a quantity of the above-named product on or about January 12, 1942, from the State of New York into the State of Georgia.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it purported and was represented to possess.

The article was alleged to be misbranded in that the statement on its label, "In Each Capsule \* \* \* Vitamin D (Natural) 330 I. U.," was false and misleading since each capsule of the article contained not more than 165 International Units of vitamin D.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

On April 12, 1944, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

**1208. Adulteration and misbranding of Vitasol. U. S. v. Vitasol Corporation. Plea of guilty. Fine of \$500 on count 1. Sentence suspended on count 2, and defendant placed on probation for 2 years. (F. D. C. No. 7731. Sample No. 69503-E.)**

On April 3, 1943, the United States attorney for the Eastern District of New York filed an information against the Vitasol Corporation, Brooklyn, N. Y., alleging shipment on or about July 15, 1941, from the State of New York into the State of Connecticut of a quantity of Vitasol which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess, since it was represented to contain approximately 1,000 U. S. P. units of vitamin A per ounce, or 40,000 per 2½ pounds; 150 International Units of vitamin B<sub>1</sub> per ounce, or 6,000 per 2½ pounds; and 0.0067 gram of iron and 0.170 gram of phosphorus per ounce, whereas it contained not more than 750 U. S. P. units of vitamin A per ounce, or 30,000 units per 2½ pounds; 100 International Units of vitamin B<sub>1</sub> per ounce, or 4,000 International Units per 2½ pounds; and not more than 0.0015 gram of iron and 0.1206 gram of phosphorus per ounce.

The article was alleged to be misbranded because of the following false and misleading statements on its label; "Approximate Vitamin Contents in 2½ Lbs. of Vitasol 40,000 U. S. P. Units Vitamin A 6,000 International Units Vitamin B<sub>1</sub>,"

\*See also Nos. 1201, 1206.

and "Approximate composition of one ounce of Vitasol 1,000 U. S. P. Units Vitamin A 150 International Units Vitamin B<sub>1</sub> \* \* \* Grams Per Ounce \* \* \* Iron—0.0067 Phosphorus—0.170."

It was alleged to be misbranded further in that the statements, "Vitasol \* \* \* Health Builder \* \* \* Dedicated to the Betterment of Health \* \* \* Vitamin A is vital to eyesight. Vitamins B<sub>1</sub>, B<sub>2</sub> (G) stimulates the appetite, aids digestion. Vitamin C Favors good bone and tooth formation, prevents scurvy. The 'Sunshine Vitamin D' is important to general health, utilizes calcium and phosphorus in building strong teeth and bones. Organic Iron helps increase red corpuscle growth. Yeast as an aid to good blood and body functions. Dextrose for restoring energy. Soy Bean rich in protein (strength food). \* \* \* Vitasol \* \* \* health builder \* \* \* quick revitalizing food for all active adults. Vitamins Vigor Vitality," borne on the jar label, were misleading since they suggested that the article would prevent scurvy; that impaired health, poor eyesight, poor appetite and digestion, poor teeth and bones, general ill health, inadequate red corpuscle growth, poor functioning of the blood and body, low energy, weakness, poor health, and lack of vitality and vigor are frequently caused by lack of the vitamins and other substances named; and that the reader might reasonably expect that the article would be efficacious in the prevention of scurvy and in conditions of impaired health as described above, whereas the article would not prevent scurvy, the conditions of impaired health as described are not frequently caused by lack of the vitamins or other substances named in the labeling, but usually result from other causes, and the reader might not reasonably expect the article to be efficacious to prevent scurvy or better such conditions of impaired health.

The article was alleged to be misbranded further in that the statements, "Vitasol \* \* \* prepared to provide a wide variety of protecting food elements (not available in the ordinary diet) essential to abundant vitality and health," borne on the jar label, were false and misleading since the article would not provide a wide variety of protecting food elements that are not available in the ordinary diet and are essential to abundant vitality and health.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On April 22, 1943, the defendant having entered a plea of guilty to the 2 counts of the information, the court imposed a fine of \$500 on count 1. Sentence was suspended on count 2, and the defendant was placed on probation for 2 years.

**1209. Adulteration and misbranding of Estrovin in Oil and sodium morrhuate. U. S. v. The Adson-Intrasol Laboratories, Inc. Plea of guilty. Fine, \$500 and 3 years' probation. (F. D. C. No. 7721. Sample Nos. 7697-E, 7698-E, 95341-E.)**

On August 4, 1943, the United States attorney for the Southern District of New York filed an information against the Adson-Intrasol Laboratories, Inc., New York, N. Y., alleging that on or about January 28 and March 11, 1942, the defendant introduced and caused to be introduced into interstate commerce at New York, N. Y., for delivery to Los Angeles and San Francisco, Calif., quantities of Estrovin in Oil and sodium morrhuate.

The Estrovin in Oil was alleged to be adulterated in that it purported and was represented to possess, in each cubic centimeter, a biological activity equivalent to the activity of 5,000 International Units of estrogenic ovarian follicular hormones, whereas it possessed a biological activity of not more than 1,100 International Units of estrogenic ovarian follicular hormones in each cubic centimeter. It was alleged to be misbranded in that the statements in its labeling, "Estrovin In Oil \* \* \* 1 c. c. contains therapeutic activity of 5,000 i. u. of estrogenic ovarian follicular hormones," and "Estrovin In Oil 1 c. c. 5,000 I. U.," were false and misleading.

The sodium morrhuate was alleged to be adulterated in that it purported and was represented to contain 5 percent of sodium morrhuate, whereas it contained not more than 1.1 percent of sodium morrhuate. It was alleged to be misbranded in that the statements appearing in its labeling, "Sodium Morrhuate \* \* \* 5%," and "Sodium Morrhuate 'Intrasol' is a sterile colloidal solution containing Sodium Morrhuate \* \* \* 5%," were false and misleading.

On August 23, 1943, the defendant entered a plea of guilty, and on August 30, 1943, the court imposed a fine of \$250 to cover counts 1 and 2, and \$250 to cover counts 3 and 4, a total fine of \$500, and placed the defendant on probation for 3 years.